

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

EMMIE JONES, as Parent and)	
Guardian of MJ, a minor,)	
)	
Plaintiff,)	
)	Docket no. 2:11-cv-437-GZS
v.)	
)	
FAIRBANK RECONSTRUCTION CORP.)	
et al.,)	
)	
Defendants.)	

ORDER ON MOTION TO PRESERVE AND HOLD EVIDENCE

Before the Court is Greater Omaha Packing Company's Motion for Order Requiring AFA/Fairbank and Related Entities and Buyers to Preserve and Hold Evidence (ECF No. 48). By this Order, the Court DENIES the Motion.

To the extent that the Motion seeks an order requiring Defendant Fairbank Reconstruction Corp. to preserve and hold evidence, the Court does not find that there is an adequate showing that such an order is necessary. The claims between the parties in this action (like the claims in prior actions) relate to beef purchased and processed in September 2009. On the record presented and given the ongoing litigation between the parties in multiple forums, Fairbank has been and remains under an obligation to preserve evidence related to the claims in this case. In their response to the pending motion, Fairbank has acknowledged these obligations and further represented that it has complied with those obligations. (See Fairbank Response (ECF No. 50) at 3.)

To the extent that the Motion asks this Court to order preservation of evidence by various non-parties, the Court additionally concludes that GOPAC has not established that the Court even has jurisdiction to make such an order. Rather, any such request is more properly made to the Bankruptcy Court overseeing the transactions.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 31st day of August, 2012.